

House File 2240 - Introduced

HOUSE FILE _____
BY REICHERT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the Iowa power fund, specifying procedures
2 applicable to Iowa power fund applications, authorizing
3 allocations from the fund, and providing an effective date and
4 applicability provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 22.7, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 60. Information possessed by the office
1 4 of energy independence, the Iowa power fund board, or the due
1 5 diligence committee associated with the office and the board,
1 6 relating to a prospective applicant with which the office,
1 7 board, or committee is currently negotiating, or an award
1 8 recipient, to the extent authorized pursuant to section 469.6,
1 9 subsection 6.

1 10 Sec. 2. Section 469.6, subsection 5, paragraph d, Code
1 11 Supplement 2007, is amended to read as follows:

1 12 d. Direct moneys from the fund to be used to purchase
1 13 private or public technical assistance needed to conduct due
1 14 diligence activities, to facilitate a technical, scientific,
1 15 or financial review relating to an application for financial
1 16 assistance to the extent not financed by the applicant and if
1 17 recommended by the due diligence committee, and to develop an
1 18 Iowa energy independence plan, pursuant to section 469.10,
1 19 subsection 3A. Other than applicant financing of a technical,
1 20 scientific, or financial review of an application for
1 21 financial assistance if agreed to by an applicant and the due
1 22 diligence committee, an application fee shall not be imposed.

1 23 Sec. 3. Section 469.6, Code Supplement 2007, is amended by
1 24 adding the following new subsection:

1 25 NEW SUBSECTION. 6. Upon receipt of a written request by
1 26 an applicant or award recipient that includes a sufficient
1 27 explanation why public disclosure of specific details in the
1 28 application, the contract, or any supporting materials that
1 29 are part of the application or contract would give an unfair
1 30 advantage to competitors, the board may keep specific details
1 31 confidential. If confidentiality is conferred, in response to
1 32 a request for records pursuant to chapter 22, the board shall
1 33 release only the nonconfidential portion of the application,
1 34 the contract, or any supporting materials that are part of the
1 35 application or contract, the request with the explanation of
2 1 the need for confidentiality, and a brief summary of the
2 2 nature of the confidential information that is withheld. If a
2 3 request for confidentiality is denied, the applicant may
2 4 withdraw the application and supporting materials and the
2 5 board shall not retain a copy. Upon notice that the
2 6 application is withdrawn, the board shall not provide a copy
2 7 in response to a pending request pursuant to chapter 22.

2 8 Sec. 4. Section 469.10, subsection 1, Code Supplement
2 9 2007, is amended to read as follows:

2 10 1. There is appropriated from the general fund of the
2 11 state to the office of energy independence for each fiscal
2 12 year of the fiscal period beginning July 1, 2008, and ending
2 13 June 30, 2011, the sum of twenty-five million dollars to be
2 14 used for awarding grants and making loans from the Iowa power
2 15 fund, and for all other purposes specified in and consistent
2 16 with this subchapter.

2 17 Sec. 5. Section 469.10, Code Supplement 2007, is amended
2 18 by adding the following new subsection:

2 19 NEW SUBSECTION. 3A. Of the moneys appropriated to the
2 20 office and deposited in the fund, the board may make
2 21 allocations for the purchase of private or public technical
2 22 assistance needed to conduct due diligence activities, to
2 23 facilitate a technical, scientific, or financial review
2 24 relating to an application for financial assistance to the
2 25 extent not financed by the applicant and if recommended by the
2 26 due diligence committee, and to develop an Iowa energy
2 27 independence plan, in amounts and in instances as approved by
2 28 the due diligence committee.

2 29 Sec. 6. 2007 Iowa Acts, chapter 209, section 2, is amended
2 30 to read as follows:

2 31 SEC. 2. IOWA POWER FUND. There is appropriated from the
2 32 general fund of the state to the office of energy
2 33 independence, if enacted by 2007 Iowa Acts, House File 918, or
2 34 its successor, for the fiscal year beginning July 1, 2006, and
2 35 ending June 30, 2007, the following amount, or so much thereof

3 1 as is necessary, to be used for the purposes designated:

3 2 For deposit in the Iowa power fund, if enacted by 2007 Iowa
3 3 Acts, House File 918, or its successor, to be used for
3 4 awarding grants and making loans from the Iowa power fund, and
3 5 for all other purposes specified in and consistent with the
3 6 provisions of House File 918, or its successor:

3 7 \$ 24,670,000

3 8 1. Of the moneys appropriated to the office and deposited
3 9 in the fund, the office shall utilize up to one and
3 10 five-tenths percent of the amount appropriated from the fund
3 11 for administrative purposes.

3 12 2. Of the moneys appropriated to the office and deposited
3 13 in the fund, there shall be allocated two million five hundred
3 14 thousand dollars to the department of economic development for
3 15 deposit into the workforce training and economic development
3 16 funds of the community colleges created pursuant to section
3 17 260C.18A. Of the funds so deposited into the workforce
3 18 training and economic development funds of the community
3 19 colleges, two million five hundred thousand dollars shall be
3 20 used each year in the development and expansion of energy
3 21 industry areas and for the department's north American
3 22 industrial classification system for targeted industry areas
3 23 established pursuant to section 260C.18A.

3 24 2A. Of the moneys appropriated to the office and deposited
3 25 in the fund, the board may allocate moneys for the purchase of
3 26 private or public technical assistance needed to conduct due
3 27 diligence activities, to facilitate a technical, scientific,
3 28 or financial review relating to an application for financial
3 29 assistance to the extent not financed by the applicant and if
3 30 recommended by the due diligence committee, and to develop an
3 31 Iowa energy independence plan.

3 32 3. Notwithstanding section 8.33, amounts appropriated
3 33 pursuant to this section shall not revert but shall remain
3 34 available for the purposes designated for the following fiscal
3 35 year. Notwithstanding section 12C.7, subsection 2, interest
4 1 or earnings on moneys in the funds shall be credited to the
4 2 fund.

4 3 Sec. 7. APPLICABILITY. The section of this Act amending
4 4 section 22.7, relating to an exception to the open records
4 5 law, and enacting section 469.6, subsection 6, relating to
4 6 board determination of confidentiality upon a request for
4 7 records pursuant to chapter 22, shall apply to requests in
4 8 relation to applications that are in process on the effective
4 9 date of this Act.

4 10 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
4 11 immediate importance, takes effect upon enactment.

4 12 EXPLANATION

4 13 This bill relates to procedures applicable to applications
4 14 for distributions from the Iowa power fund, and modifies
4 15 provisions regarding authorized allocations from the fund.

4 16 The bill provides with reference to the duties of the Iowa
4 17 power fund board that the board may direct moneys from the
4 18 fund to facilitate a technical, scientific, or financial
4 19 review relating to an application to the extent that such a
4 20 review is not financed by an applicant and if utilizing the
4 21 funds for this purpose is recommended by the due diligence
4 22 committee. The bill states that beyond applicant financing of
4 23 such a review if agreed to by an applicant and the board, no
4 24 application fee for fund distribution applications will be
4 25 imposed. Utilization of fund moneys for this purpose,
4 26 together with currently authorized expenditures by the board
4 27 for the purchase of private or public technical assistance
4 28 needed to conduct due diligence activities and to develop an
4 29 Iowa energy independence plan, is added as an authorized

4 30 allocation from amounts appropriated to the fund pursuant to
4 31 Code section 469.10. More generally, the bill provides that
4 32 allocations of appropriated amounts may be made for all
4 33 purposes specified in and consistent with the subchapter of
4 34 the Code relating to the office of energy independence, the
4 35 power fund board, the due diligence committee, the power fund,
5 1 and related provisions.

5 2 The bill accomplishes the foregoing by amending Code
5 3 section 469.6, relating to the duties of the Iowa power fund
5 4 board, by amending Code section 469.10, subsection 1,
5 5 regarding appropriations for the fiscal period beginning July
5 6 1, 2008, and ending June 30, 2011, and amending the 2007 Iowa
5 7 Acts for the one-year appropriation beginning July 1, 2006,
5 8 and ending June 30, 2007.

5 9 The bill also provides an exception from open records law
5 10 provisions of Code chapter 22, for information possessed by
5 11 the office of energy independence, the Iowa power fund board,
5 12 and the due diligence committee associated with the office and
5 13 the board relating to a prospective applicant with which the
5 14 office, board, or committee is currently negotiating, or an
5 15 award recipient, to the extent authorized by the board. In
5 16 connection with this exception, the bill provides that upon
5 17 receipt of a written request by an applicant or award
5 18 recipient explaining why public disclosure of specific details
5 19 in the application, the contract, or any supporting materials
5 20 that are part of the application or contract would give an
5 21 unfair advantage to competitors, the board may keep specific
5 22 details confidential. In that event, the bill states that in
5 23 response to a request for records pursuant to Code chapter 22
5 24 the board shall release only the nonconfidential portion of
5 25 the application, the contract, or any supporting materials,
5 26 the request explaining the need for confidentiality, and a
5 27 brief summary of the nature of the confidential information
5 28 that is withheld. The bill provides that if a request for
5 29 confidentiality is denied, the applicant may withdraw the
5 30 application and supporting materials and the board will not
5 31 retain a copy or provide a copy in response to a pending
5 32 request pursuant to Code chapter 22. The bill provides that
5 33 the provisions relating to open records requests and board
5 34 determination of confidentiality are applicable to requests
5 35 for records relating to applications in process on the
6 1 effective date of the bill.

6 2 The bill takes effect upon enactment.

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